

Appl. No.: 09/473,356
Response/Amendment dated January 17, 2006
Response to Office Action dated October 19, 2005

REMARKS/ARGUMENTS

Claims 1-48 and 58-61 are pending in the application. Claims 1-48 and 58-61 have been rejected. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Claim Rejections – 35 USC § 103

Claims 1-48 and 58-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracton, et al. (U.S. Pat. No. 6,470,378) in view of del Val, et al. (U.S. Pat. No. 6,128,653) and Hallberg (U.S. Pat. No. 6,658,199).

The Office Action asserts *Tracton* discloses a method for receiving at a wireless terminal a first data stream from a motion video server via a wireless interface at a first bit rate, the first data stream comprising a motion video having initial presentation characteristics, and the wireless terminal comprising a video display. The Office Action further asserts that *del Val* discloses transmitting to the motion video server via the wireless interface a first display control command to alter presentation characteristics of the motion video and to alter the bit rate of the first data stream over the wireless interface, the first display control command having been entered by a user at the wireless terminal subsequent to the step of commencing display of the received motion video having initial presentation characteristics. Before addressing the tertiary reference, the Office Action sets forth that "it would have been obvious to one skilled in the art at the time of the invention to modify *Tract[on]* to utilize HTTP video manipulation commands of *del Val* thereby enabling a user to re-watch part of an MPEG segment they were interested in." Office Action dated October 19, 2005; page 3).

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The Office Action states that according to the teachings of *Tracton* "a user may request a number of scalable webpages and scalable MPEG video content which is delivered to the users over a network from a server, based upon the users connection speed". *Id.* For clarification, the users of the client-server configurations of *Tracton* do not choose which data-stream of the content is received. In fact, Column 2 of the Specification teaches away from allowing users to determine which scaled version of content to receive. The column describes several drawbacks, for example, users not knowing what network speed they are utilizing, a user having the required network speed but lacking enough memory to process the incoming information. To circumvent a user having to determine the appropriate data-stream, *Tracton* is directed towards "a way for the server to accurately determine the client's system configuration...[to] allow the server to tailor its output to meet the capabilities of each incoming client. (*Tracton*; Col 3, lines 1 – 6). Along these lines, *Tracton* provides automated methods for determining which scaled data to transmit to a client. Once the configuration of the client is determined, an appropriately scaled version of the information is transmitted from that point forward. Therefore, combining the HTTP video manipulation commands of *del Val* which allow a user to re-watch part of an MPEG segment they were interested in with the automatic determination of data-streams of *Tracton* does not produce the subject matter of the rejected claims, even when considered in further view of the tertiary reference, *Hallberg*.

Hallberg, like *Tracton* appears to be directed towards altering a video stream before the viewer receives the stream. Indeed, *Hallberg* discloses a method for creating a transport stream that conforms to the limits of a MPEG digital video system using a digital video recorder. (*Hallberg*, Column 1, lines 7 – 10; and Abstract). Applying the teachings of *Hallberg* with *del*

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Val and *Tracton* does not produce the subject matter of the present invention. Indeed, allowing a user to utilize the HTTP commands such as STOP, FAST FORWARD, and REWIND of *del Val* with *Hallberg* and/or *Tracton* would allow the user to stop, fast forward, or rewind a video stream that has already had its presentation characteristics and bit rate altered – which was done without a control command by the user subsequent to commencing display of the received motion video and does not teach or suggest allowing the user to alter the presentation characteristics and altering the bit rate of the data stream subsequent to displaying the video stream. Indeed, exemplary claim 1 recites the step of:

transmitting to the motion video server via the wireless interface a first display control command to alter presentation characteristics of the motion video and to alter the bit rate of the first data stream over the wireless interface, the first display control command having been entered by a user at the wireless terminal subsequent to the step of commencing display of the received motion video having initial presentation characteristics.

(Claim 1; emphasis added). Along these lines, there is no suggestion or motivation to combine the references, either in the references themselves or in the knowledge generally available to one skilled in the art. As mentioned above, *Tracton* teaches away from allowing any user input to determine what data stream to send and *Hallberg* is similarly directed towards creating a trick play stream without any control commands entered by the user. In view of the foregoing, the Applicants respectfully request reconsideration and withdrawal of the rejection.

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CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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Dated: January 17, 2006

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